

JACKSONVILLE CITY COUNCIL
REGULAR WORKSHOP MEETING

PROPOSED AGENDA

January 5, 2016

5:00 PM

CALL TO ORDER

ADOPTION OF AGENDA

ADOPTION OF MINUTES AND CONSENT ITEMS

MINUTES

December 1, 2015 Swearing In Ceremony	2
December 1, 2015 Joint City Council and Advisory Committee Meeting	5
December 8, 2015 Special Workshop Meeting	10
December 8, 2015 Regular Meeting	14

CONSENT ITEMS

1. City Code Amendment – Nuisances	21
2. Annexation of Lands Owned by the Municipality – Western Blvd 2.43-Acres	24

WORKSHOP TOPICS

3. City of Jacksonville Diversity Report
4. Mental Health Discussion
5. 75th Anniversary of the 2d Marine Division/Military Parade

ADJOURNMENT

COUNCIL MINUTES
ORGANIZATIONAL MEETING

December 1, 2015

The Swearing-In Ceremony/Organizational meeting of the City Council of the City of Jacksonville was held Tuesday, December 1, 2015 at 5:30 PM in the Council Chambers of City Hall.

WELCOME

Mr. Richard Woodruff, City Manager, welcomed everyone to the Swearing-In Ceremony/Organizational Meeting.

INVOCATION

Pastor Jason Brinker, First Baptist Church, pronounced the invocation.

PLEDGE OF ALLEGIANCE

George M. Barrows, Sr, Junior Vice Commandant, Onslow County Detachment Marine Corps League, led the Pledge of Allegiance.

OATHS OF OFFICE

The Honorable Charles H. Henry, Superior Court Judge, Fourth Judicial District, administered the Oath of Office to Mayor Sammy Phillips.

The Honorable Charles H. Henry, Superior Court Judge, Fourth Judicial District, administered the Oath of Office to Mayor Pro-Tem Michael Lazzara.

The Honorable Charles H. Henry, Superior Court Judge, Fourth Judicial District, administered the Oath of Office to Councilwoman Angelia Washington.

CALL TO ORDER

Mayor Phillips called the organizational meeting to order.

MAYOR AND COUNCIL REMARKS

Mayor Phillips and the members of Council thanked family and friends for their support during their re-election. Each member expressed their gratitude to the citizens for their vote of confidence and conveyed how honored and privileged they each felt to be able to serve the citizens of Jacksonville. Each member expressed what a tremendous responsibility they felt for their elected positions and pledged to do their utmost to continue to make Jacksonville the great

place it is. They also thanked other local officials for attending the ceremony and for their continued support in their mutual efforts to create a stronger community.

ELECTION OF MAYOR PRO-TEM

Councilman Bittner nominated Michael Lazzara to serve as Mayor Pro-Tem. There were no other nominations. Councilwoman Washington moved that nominations be closed and that Michael Lazzara be elected to serve as Mayor Pro-Tem by acclamation. The motion was seconded by Councilman Thomas and carried unanimously.

ADVISORY COMMITTEES LIAISON APPOINTMENTS

Mayor Phillips announced the following Council Liaison Advisory Committee appointments: Councilwoman Washington to the Environmental and Appearance Advisory Committee; Councilman Bittner to the Board of Adjustment; Councilman Willingham to the Community Development Advisory Committee; Councilman Warden to the Planning Advisory Board; Councilman Willingham to the Recreation and Parks Advisory Committee; and Councilman Thomas to the Water and Sewer Advisory Committee.

ELECTION TO SPECIAL COMMITTEES

ONSNOW COUNTY CIVIC AFFAIRS COMMITTEE

There was one member position reserved on the Onslow County Civic Affairs Committee for a City of Jacksonville Council Member.

Mayor Pro-Tem Lazzara nominated Councilman Bittner to serve on the OCCAC. Councilman Warden moved that nominations be closed and that Councilman Bittner be elected by acclamation. The motion was seconded by Councilman Thomas and carried unanimously.

TRANSPORTATION ADVISORY COMMITTEE

The City has two voting seats on this Committee. These seats serve at the pleasure of Council for a term concurrent with his or her term on City Council.

Councilman Thomas nominated Mayor Pro-Tem Lazzara and Councilman Warden to serve on the TAC. Councilwoman Washington moved that nominations be closed and that Mayor Pro-Tem Lazzara and Councilman Warden be elected by acclamation. The motion was seconded by Councilman Thomas and carried unanimously.

ADJOURNMENT

With no further business to come before the Jacksonville City Council, a motion was made by Mayor Pro-Tem Lazzara, seconded by Councilwoman Washington, and unanimously adopted to adjourn the meeting at 5:37 PM.

COUNCIL MINUTES

SPECIAL JOINT MEETING WITH ADVISORY COMMITTEES

December 1, 2015

A special meeting of the City Council of the City of Jacksonville was held Tuesday, December 1, 2015 scheduled to begin at 6:00 PM at the Jacksonville Youth Center, 804 New Bridge Street. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, and Bob Warden. Council Members Angelia Washington and Jerome Willingham were absent. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager, Glenn Hargett, Assistant City Manager for Communications and Community Affairs; Gayle Maides, Finance Director, Wally Hansen, Public Services Director, Mike Yaniero, Director of Public Safety; Susan Baptist, Director of Recreation Services; ; Kimberly Lindsay, Chief Human Resource Officer; Chris Koltyk, ITS Director; Michael Liquori, Director of Parks, Carmen Miracle, City Clerk; and John Carter, City Attorney.

CALL TO ORDER

Mayor Phillips called the meeting to order at 6:18 PM.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Bittner and unanimously approved to adopt the agenda as presented.

STRATEGIC UPDATE ON THE FUTURE CITY: GROWTH, CHALLENGES, AND OPPORTUNITIES

The members of the City's Advisory Committees, as well as the public, were invited to attend and participate in a joint meeting with the City Council for a strategic update on the future City. (See Exhibit A for Attendance Roster.)

Mr. Richard Woodruff, City Manager, welcomed attendees and stated that each year the City tried to meet with all of the advisory groups to discuss issues and ideas related to the City. The City Council recognized the importance of receiving regular input from their citizen advisors and keeping them informed of City plans. The meeting last year had been very productive and had resulted in many good suggestions. Tonight, attendees would receive an update on the top five suggestions from last year along with new information related to growth,

challenges, and opportunities. Following the presentations, a second component of the meeting would be for the participants to break into groups to help identify additional opportunities or challenges not mentioned in the presentations. He asked that as they listened to the presentations, participants consider in what ways their particular advisory committee could possibly assist or work on the opportunities and challenges.

The entire meeting was presented live on G10TV and was available in its entirety on demand on the City website and via DVD at City Hall. In addition, the attached PowerPoint presentation (Exhibit B) provides a synopsis of the updates and presentations as follows:

Mr. Woodruff reviewed the top five suggestions from last year's meeting and how those items were being addressed, including details on the new Livable Neighborhoods Program, the success of the slum and blight removal program, and Streets Upgrade planning.

Mr. Ron Massey, Deputy City Manager, provided highlights of the FY 15/16 budget including statistics on service provision.

Staff provided the following presentations and updates: Ryan King, Planning Administrator, on Housing and Business Development; Anthony Prinz, MPO Coordinator, on Transportation Futures; Greg Meshaw, City Engineer, on Water and Sewer Outlook; Susan Baptist, Director of Recreation Services; on Recreation and Parks Challenges and Opportunities, Glenn Hargett, Assistant City Manager, on Quality of Life Issues; Gayle Maides, on the Revenue Forecast.

Mr. Woodruff thanked everyone for their attention to the presentations. He asked that attendees break into five groups (tables had been set up for this purpose.) Comment cards containing the following question was distributed to each group: "Identify additional keys to enhancing quality of life in Jacksonville by 2025." Mr. Woodruff explained further that they were looking for ideas, suggestions, or issues that the City had missed or not thought about that should be considered and reviewed.

After approximately 15 to 20 minutes, the session was reconvened. Mr. Woodruff asked the tables to select a spokesperson to report. The following reports were provided:

Ryan King, reported for Table #5 as follows:

- Create an indoor soccer complex/multipurpose use facility for multiple events and sports.
- Have electrical lines buried.
- Create a destination Hotel and Convention Center

- Refocus revitalization efforts from Downtown to other areas, such as New River Shopping Center, Brynn Marr, and Georgetown.
- Strategic conversations be longer and presentations shorter.

Anthony Prinz reported for Table #4 as follows:

- More bicycle racks, particularly in commercial areas.
- Improve access to the Rails to Trails near Brynn Marr.
- More education to dispel misinformation about Trail safety; Let trail users tell their story.
- Improve lighting in older parking lots for better security/safety, retrofit with LED lights when possible.
- Focus on walkable communities.
- Splash pads were very popular, in particular one for Northeast Creek Park.
- Food desert in Downtown (no full service grocery store in the area.)
- Encourage use of public transportation and educate others on how to access public transportation.

Susan Baptist reported for Table #3:

- Quality of life for seniors; Bridging the gap between older and younger populations; perhaps multi-generational opportunities.
- Economic development; i.e. industry brought into the community resulting in job creation.
- Embracing and celebrating the history and culture of the community. (Example: USO)
- Swimming Pool.
- Dog Park.

Reggie Goodson reported for Table #2 as follows:

- Multipurpose Convention Center in Downtown for concerts/conventions/Marine Corps Ball/sporting events.
- A unified vision for the City with marketing campaign (Example: Clean and Green) to help citizens easily identify the vision concept.
- Cultural Center (Library, Arts Center, Genealogy Center, Jazz concerts.)
- Celebrate the ethnic groups of the community and their way of life.

Lillie Gray reported for Table #1 as follows:

- Sports Fields.
- Convention Center.
- Indoor facilities, specifically in the Georgetown community.
- Additional Transit stops in certain locations.
- Increase opportunities for local small businesses to access specific service contracts for City, County, Base in order to keep more revenue local.
- Ditch Inspection/Maintenance program for older neighborhoods.

Mr. Woodruff thanked everyone for their input and said all new ideas would be reviewed. He then offered an "Open Mic" opportunity to anyone who would like to come forward with additional ideas.

Mr. Ken Hagan, former City Manager, said that while he serves on the TDA, Sturgeon City and Sports Commission, he was speaking this evening strictly as a resident of the City. He discussed and expressed his strong support for a combination indoor/outdoor sports facility. He felt it could be done without a tax increase and suggested, in addition to TDA funding, some funding could be obtained via sale of surplus City property. He spoke about the huge economic opportunity to tap into the sports market, from youth sports to senior leagues. He felt the City could attract all types of athletic groups and stated there was an incredible amount of money that could be generated in economic opportunity for restaurants, lodging facilities, local business, etc. He challenged the administration, the Mayor and Council to inventory City property to determine what unused property could be sold with the funds going toward this project.

Million Heir-Williams, County Commissioner, thanked the City for the opportunity to participate. She felt she was walking away from the meeting with a better understanding that she could discuss further with her fellow Commissioners. She said she felt there were opportunities for the City and County to collaborate for the good of the community. In particular, she said she was interested in opportunities to embrace the younger population, especially the Marine Corps.

Mayor Pro-Tem Lazzara thanked everyone for attending and thanked the staff for their hard work putting the presentations together. In regards to Mr. Hagan's statements, he said he thought it was important to note as chair of the TDA, that the TDA, along with their County leaders, had embarked on a study for an indoor/outdoor facility. They had hired SFA, a very reputable company, to do a feasibility study and those results would be made available shortly. He expressed that they were very excited about the process and that their County counterparts, Chairman Ikner and Commissioner Paul Buchannan, were involved and committed along with the City to this endeavor. He thanked Commissioner Williams for her comments and said he thought they would all see good things coming. He said that while there was still a lot of work to do, they still had to identify potential land and financing opportunities. He wholeheartedly agreed with Mr. Hagan that sports was a huge economic engine across the country and it continued to increase. There was a large amount of sporting activities they could not currently tap into due to lack of facilities. He said their goal was to accomplish the project without impact

to their local residents. They were not looking for increased taxes or an assessment to fund it.

They wanted to use TDA funds as much as possible but they needed the City's help to locate the right parcel in the right location.

With no one else desiring to speak, Mr. Woodruff explained Card #2, which had been distributed to the attendees. He asked the attendees to use it to write down ideas on what their committee could do or work on relative to all of the opportunities and challenges they had reviewed during the meeting. He said they could give the cards to the City Clerk this evening or take them to their next committee meeting to turn them in or discuss ideas as a group.

Mayor Phillips thanked everyone for attending and participating in this very important forum. He said the City appreciated the feedback from its committee advisors and he also felt it was very important to keep their committee members informed on future planning by the City. He said that a compilation of the new items suggested during the group session would be provided to each member for their future discussion.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 9:42 PM.

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

December 8, 2015

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, December 8, 2015 beginning at 5:00 PM in Meeting Rooms A and B of Jacksonville City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, Bob Warden, and Angelia Washington. Councilman Jerome Willingham was absent. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; Gayle Maides, Finance Director; Glenn Hargett, Assistant Manager for Communications and Community Affairs; Mike Yaniero, Director of Public Safety; Chris Koltyk, ITS Director; Carmen Miracle, City Clerk; and John Carter, City Attorney.

*A video recording of the Council Meeting is presently available for review on the City's website.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

ADOPTION OF AGENDA

A motion was made by Councilman Warden, seconded by Councilwoman Washington, and unanimously approved to adopt the agenda as presented.

MEETING TOPIC

PUBLIC SAFETY CAMERA EQUIPMENT

The purpose of the discussion was to review Utilization of Camera equipment in Law Enforcement. Referring to the PowerPoint Presentation herein attached as Exhibit A, Captain Ronnie Dorn with the Jacksonville Police Department, provided a brief overview of the issue including national perceptions and community relationships and provided statistical data on police contacts (74,796) and arrests (4,075) in relation to use of force (48). The National Use of force average was 1.4 percent while in comparison JPD was 0.0006 percent. Captain Dorn then reviewed the Use of Force Simulator, installed in 2014 at the old training facility located behind the police department. Other training included "Fair and impartial" training, De-escalation training, and Crisis intervention training for engaging mentally challenged individuals. Captain

Dorn stated the Department encountered mentally challenged individuals on a daily basis. Chief Yaniero added that over 14,000 hours had been spent assisting mentally challenged individuals in the past year.

Captain Dorn provided an in depth review of the body cameras and in car cameras. Chief Yaniero said the Camera strategy was part of an overall strategy along with de-escalation training to reduce incidents and de-escalate situations before officers had to use force. He pointed out that the in-car cameras gave a better overview than body cameras, which were more restrictive; however, they would be used in tandem to provide an overall picture of the incident.

Councilman Thomas asked if the cameras recorded sound as well as video. Chief Yaniero said yes.

Mayor Phillips asked about retention issues. Chief Yaniero said they retained the video for 45 days unless it involved a complaint or a criminal case. He added that they had 90 vehicles with in car cameras and the 45 day retention period became difficult for the ITS department in terms of storage.

Councilman Bittner asked why they were retained for 45 days. Chief Yaniero replied that North Carolina's Record Retention Law required that they be retained for 30 days. However, JPD had elected to add an additional 15 days.

Mayor Phillips asked about the monetary cost of a 45 day retention period. Chris Koltyk, Chief Information Officer for the City said it depended on many factors such as how many videos, how many officers recording, resolution of the cameras and other variables. He added that from a cost standpoint it could add up to hundreds of thousands of dollars. Chief Yaniero added that the amount of data for one officer for a 12 hour shift would be approximately 1 gigabyte.

Mr. Woodruff said if the City equipped all of the officers with body cameras, it would add approximately \$100,000 - \$200,000 annually to the budget, which would likely increase each year. The camera equipment would be a one-time cost, although it would likely reoccur every four or five years.

Councilwoman Washington asked if there was any money available from the Department of Justice or from the State to help defray the cost of storage. Mr. Woodruff said there were some options for assistance and staff was looking at those.

Mayor Pro-Tem Lazzara said a lot had been written on this subject and there seemed to be some concern about officers being apprehensive to do their jobs because of the body cameras. Chief Yaniero said he did not see this as an issue because JPD officers were already used to having the in-car cameras running. He felt the body cameras would be another tool to enable officers to do their jobs more effectively.

Councilman Bittner asked about how the cameras were activated. Captain Dorn explained that they could be set to activate at the same time the in-car camera was triggered or they could be manually activated. Councilman Bittner asked if the body camera could be shut down by the officer and Captain Dorn said yes; however, Chief Yaniero pointed out that even though the officer deactivated the camera, it was still continuously recording, just the footage was not flagged. A discussion ensued regarding the recordings.

Councilman Thomas asked if there were privacy issues they needed to be aware of, for example were officers required to let people know they were being recorded. Captain Dorn said if they were dealing with victims and witnesses they did advise them they were being recorded. Mr. Woodruff said privacy was one of the challenges of using the cameras. He said that recording in public spaces was not a problem; however, when in an individual's private space, the policies and procedures would be much different.

Considerable discussion was held on privacy issues, use of cameras, as well as a discussion on public records issues. Chief Yaniero said the recordings were not subject to automatic release under the public records policy, however, the City Council could vote to release certain video footage if they found it was in the best interest of the City.

Captain Dorn said the integration between the body cameras from Watch Guard and the current in-car cameras allowed information to be synchronized together.

Councilman Bittner asked if there was an approximate timetable for action. Mr. Woodruff said the budget was a factor; however, more information would be forthcoming in the next three months.

Chief Yaniero said the in-car cameras needed to be replaced so the goal was to use updated technology to replace those. Mayor Phillips asked if that could be budgeted with the in-car cameras and asked if they needed everything in one package. Chief Yaniero said the replacement of the in-car cameras was a budgeted item that was already funded. A discussion

ensued regarding replacing the in-car cameras with the Watch Guard cameras as well as pricing of the cameras and storage costs.

ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 6:33 PM.

COUNCIL MINUTES

REGULAR MEETING

December 8, 2015

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, December 8, 2015 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Randy Thomas, Bob Warden, and Angelia Washington. Councilman Jerome Willingham and Councilman Jerry Bittner were absent. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; Gayle Maides, Finance Director; Glenn Hargett, Assistant Manager for Communications and Community Affairs; Wally Hansen, Public Services Director; Mike Yaniero, Director of Public Safety; Susan Baptist, Director of Recreation Services; Carmen Miracle, City Clerk; and John Carter, City Attorney.

*A video of the Council Meeting is presently available for review on the City's website.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Councilwoman Angelia Washington led the Pledge of Allegiance.

INVOCATION

Mr. Carter pronounced the invocation.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilwoman Washington, and unanimously approved to adopt the agenda as amended to remove Presentation – Home Holiday Decorating Contest Award/Halloween and to add Presentation – River of Life Church and to add Consent Item #4a – Resolution Authorizing City Manager to Execute Installment Purchase Agreements.

PRESENTATIONS

PRESENTATION OF NC LAW ENFORCEMENT TORCH RUN-JPD-RED ROBIN

On October 24, 2015, officers of the Jacksonville Police Department Community Services Division held a Tip-A-Cop fundraiser at the Jacksonville Red Robin restaurant. The event raised over \$1,500 to benefit the NC Law Enforcement Torch Run for Special Olympics.

NC Special Olympics requested the presentation of a plaque acknowledging Red Robin's partnership in this successful event. Mr. Michael Jay, General Manager of Red Robin was present to accept the award from Mayor Phillips and Chief Mike Yaniero.

PRESENTATION OF DONATION TO CITY – RIVER OF LIFE CHURCH

The River of Life Church wanted to make a donation of funds to the City to assist the Recreation and Parks Department in providing scholarships to needy children for Recreation and Parks programs such as summer camps, after school programs and youth sports.

Since 2006, the River of Life Church made an annual donation to the City which had grown over the years from \$5,000 to \$10,000.

Pastor Chris Phillips, along with members of the River of Life Church, presented a \$10,000 check to Mayor Phillips.

Mayor Phillips presented a Certificate of Appreciation to Pastor Phillips and the Church for their dedication and support to Jacksonville and its citizens.

JFES PROMOTION-SWEARING IN OF DIVISION CHIEF SHAUN HAYES

Division Chief Susanna Williams resigned to accept a position as Fire Chief for Carrboro Fire Department in July. This created a vacancy at Jacksonville Fire and Emergency Services. The candidates participated in an extensive process consisting of a formal presentation and a series of oral interviews. Mayor Phillips reviewed the qualifications and past service of Shaun Hayes who had been selected for promotion to Division Chief of Safety Standards. Mayor Phillips administered the Oath of Office and family members pinned his badge and insignia.

PUBLIC COMMENT

Kevin O'Connor, 210 Newport Drive, discussed sales tax disbursements and stated North Topsail Beach did not need Jacksonville's sales tax dollars. He also said the County changed the sales tax distribution to get money for North Topsail and Swansboro. He concluded by saying North Topsail Beach had homes in excess of a million dollars. He listed several local businesses which were new to the area, along with the shopping center at Yopp Road with regard to revenue sources.

ADOPTION OF CONSENT ITEMS AND MINUTES

A motion was made by Mayor Pro-Tem Lazzara seconded by Councilman Thomas, and unanimously approved to adopt the consent items as presented and to adopt the minutes of the

November 17, 2015 Special Workshop Meeting and the November 17, 2015 Regular Meeting as amended.

CONSENT ITEMS

TAX RELEASES, REFUNDS, AND WRITE-OFFS OCTOBER 2015

The County/City Tax Collector and the City's Finance Director recommended releases, refunds, and write-offs of property taxes. The detailed list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) was available in the Finance Office for review.

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector totaled, respectively, \$32,277.17, \$3,564.05 and \$0.62 (\$35,841.84).

Council approved the tax releases, refunds and write-offs.

GENERAL BUDGET AMENDMENT

A budget amendment was needed to appropriate the funds for the Conservation Fund's fee for negotiating the purchase of the Old Town Marina.

Council approved the Budget Amendment

Ordinance 2015-30 Bk. 12, Pg. 360

CITY COUNCIL 2016 REGULAR MEETING SCHEDULE

City Council Regular Meetings were set pursuant to City Code and Council's adopted Rules of Procedures. The Code provided that when a Council Meeting fell on an election day or a legal holiday, the meeting was automatically held the following day.

Any other changes to the Meeting Schedule required Council approval. Several changes were proposed. The schedule incorporated the changes Council made to the City Code at the November 17, 2015 Council Meeting which added Regular Workshops. Once approved, the Annual Schedule of Regular Meetings for 2016 would be distributed to all media, City departments, and included on the City's website and noted on the City calendar.

Council approved the Annual Schedule of Council Regular Meetings for 2016 as presented.

2015 ANNUAL CERTIFICATION OF FIREFIGHTERS

North Carolina General Statue 58-86-25 required that the City Council certify the roster of paid and volunteer firefighters each year. This certification provided membership in the North

Carolina State Firemen's Association and eligibility for pension and all of its benefits to the firefighters. The attached roster included 80 paid firefighters, 5 volunteer firefighters, 1 retired-inactive, and 2 non-members for a total of 88. Public Safety Director Yaniero determined that these individuals were eligible for stated benefits.

Council approved the 2015 Annual Certification of Firefighters.

**RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE INSTALLMENT
PURCHASE AGREEMENTS**

The City solicited bids to borrow \$679,000 to finance various vehicles and equipment already approved in the budget. On October 28, 2015, the City received 10 proposals and one "no bid" from various banks for financing \$679,000 for a 59-month term. Council previously authorized resolution 2015-22 to Whitney Bank; however Whitney Bank was unable to fulfill the contract. This resolution awards the bid to the next overall best proposal for the 59-month term, First Bank with 1.38%.

Council approved the resolution which accepted the proposal from First Bank for the financing of the vehicles and equipment.

Resolution 2015 – 26, Bk. 7, Pg. 195

PUBLIC HEARINGS

**LEGISLATIVE-MAP AMENDMENT – REZONING FROM RMF-LD TO CC-2739
RICHLANDS HIGHWAY**

Ryan King, Senior Planner, presented a request to rezone .49 acres from Residential Multi-family Low Density (RMF-LD) be rezoned to Corridor Commercial (CC). The proposed rezoning site was located at 2739 Richlands Highway across from the Tractor Supply Center. The proposed CC zoning was consistent with the City's future land use plans.

Mayor Phillips recessed the meeting at 7:27 PM in order to conduct the Public Hearing.

Mr. Warren Bailey, 405 Western Boulevard, Jacksonville, NC wanted to let the Mayor and Council know he appreciated them and appreciated all they have done for the growth of Southwest Jacksonville.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:28 PM and reconvened the Regular Meeting.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to approve the rezoning from RMF-LD to CC based upon Findings of Fact

A-J being found in the affirmative.

Ordinance 2015-31, Bk. 12, Pg. 361

LEGISLATIVE-MAP AMENDMENT – REZONING FROM RMF-LD TO CC-2757
RICHLANDS HIGHWAY

Ryan King, Senior Planner, presented a request to rezone 1.03 acres which was currently located within the ETJ. This was the adjoining property to 2739 Richlands Highway and would have to be annexed into the City to be able to receive City water and sewer and City Police and Fire services.

Mayor Phillips recessed the meeting at 7:30 PM in order to conduct the Public Hearing.

Mr. Warren Bailey stated there were over 100 acres that had been developed in that area or were in the process of being developed. He also said there was close to 400,000-500,000 square feet of commercial property in the process of being developed and he said there were many jobs that had been created in that area. Once again Mr. Bailey expressed his appreciation for the Mayor and Council and the City of Jacksonville and the assistance which had been provided to make the area successful.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:32 PM and reconvened the Regular Meeting.

A motion was made by Councilman Warden, seconded by Councilwoman Washington, unanimously adopted to approve the rezoning from RMF-LD to CC based upon Findings of Facts A-J being found in the affirmative.

Ordinance 2015–32, Bk. 12, Pg. 362

SPECIAL USE PERMIT AND TYPE III SITE PLAN-TELECOMMUNICATION
TOWER-900 RAMSEY ROAD

Mayor Phillips recessed the Regular Meeting at 7:34 PM in order to convene the Public Hearing.

Mayor Phillips swore in Mr. Jeremy Smith, Senior Planner, who presented the request for a telecommunication tower located on a 2.9 acre tract of land at 900 Ramsey Road, zoned RSF-20. The Planning Advisory Board had recommended this project previously, however, at that time there were two conditions that needed to be met. Mr. Woodruff pointed out that there was a monopole of 145 feet with 150 feet to the highest appurtenance. He also said this was reviewed

with the Marine Base and it was not within the 100 foot flight overlay pattern.

Mayor Pro-Tem Lazzara asked what the two conditions were from the Planning Advisory Board.

Mr. Smith said they were waiting on confirmation from the New River Air Station Marine Base regarding lighting requirements and there would be a red warning light placed on the tower and fire access to the site. The proper width of access for a fire truck had to be confirmed.

Mayor Phillips swore in Dana Pellizarri, Pennington Law Firm, 1501 Main Street, Columbia, SC 29209. Ms. Pellizarri submitted a full copy of the application that had previously been submitted to the Planning Department as well as revised construction drawings that addressed the conditions Mr. Smith referenced in his statement; a letter from the property owner supporting the tower was also attached along with a real estate impact study and affidavit from Michael P. Berkowitz, Analyst, which supported the fact that the telecommunications tower would not negatively impact surrounding properties. These items are on file in the December 8, 2015 Meeting Exhibit Folder.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:37 PM.

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to approve the Special Use Permit and Type III Site Plan with Findings of Fact A thru G being found in the affirmative. All previously recommended conditions had been addressed.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

HIGHWAY CONSTRUCTION

Mayor Pro-Tem Lazzara stated the widening of Henderson Drive between Gum Branch Road and NC 53/Western Boulevard Extension had been funded, and construction was scheduled to begin in 2020. Also, the last segment of Highway 24 in Sampson County would connect Camp Lejeune to Fort Bragg which was a significant project for the Military Bases with regards to joint training and mobility between the two bases.

LAW ENFORCEMENT GUEST SPEAKER

Councilwoman Washington thanked Chief Yaniero for participating as the Guest Speaker at the Ecumenical Prayer Service held at St. Julia AME Zion Church on December 4, 2015. This was a collaboration which paired the public with law enforcement in terms of addressing violence in the community and getting law enforcement more involved.

CITY SERVICES

Mr. Woodruff reminded parents that the City offered programs for ages 6-11 while school was out for the holidays and encouraged everyone to utilize these services.

He also reminded everyone that City Hall would be closed the 24th and 25th of December due to the Holiday.

Mr. Woodruff said Christmas trees could be placed at the curb for recycling and asked everyone to make sure they removed all lights and ornamentation from the trees prior to placing them at the curb.

He also commended the City staff for a phenomenal Winterfest the weekend of December 5th and 6th. There were approximately 3,000 – 4,000 people who attended and went sledding and ice skating and had their photos taken with Santa. The Christmas tree was also lit at the event.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 7:44 PM.



Request for City Council Action

Consent
Agenda
Item: **1**
Date: 1/5/2016

Subject: City Code Amendment – Chapter 14, Nuisances
Department: Legal
Presented by: John T. Carter, Jr., City Attorney
Presentation: No

Issue Statement

Upon review of the Nuisance ordinance, it was determined that a couple of minor changes needed to be inserted into the nuisance ordinance for clarity regarding Payment of Costs and Criminal action and other civil remedies.

Financial Impact

None

Action Needed

Consider the Code Amendment

Recommendation

Staff recommends Council adopt the ordinance amending Chapter 14 of the City Code.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Ordinance

ORDINANCE (#2016-)
AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF JACKSONVILLE
CHAPTER 14 – NUISANCES ARTICLE III. - ENFORCEMENT

BE IT ORDAINED by the City Council of the City of Jacksonville that Chapter 14 – Nuisances, Article III – Enforcement - of the Jacksonville City Code is hereby amended as follows:

Add the bolded and underline text shown below to Sections 14-46 (Payment of Costs) and 14-47 (Criminal action, other civil remedies.)

Sec. 14-46. - Payment of costs.

Upon completion of the abatement of any nuisance by the city under the provisions of this chapter, the inspection division shall deliver to the city finance officer a statement including the costs of labor, hauling and other necessary items of expense for such abatement. The city finance officer shall thereupon mail to the violator a bill covering the costs. When the violator is the property owner, the amount of the bill may be collected in a civil action or may become a lien upon said property and if not paid within thirty (30) days shall be collected in the same manner as provided for the collection of delinquent taxes, **as provided in G.S. § 160A-193.** If the violator is not the property owner, the amount shall be recovered by the city in a civil action in the nature of debt.

Sec. 14-47. - Criminal action, other civil remedies.

(a) A violation of any of the provisions of this chapter may constitute a misdemeanor, punishable as provided in N.C.G.S. § 14-4 whereby they shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

(b) A violator who fails to abate a nuisance in the time specified shall be subject to a civil penalty of fifty dollars (\$50.00). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by certified mail, return receipt requested, or by personal service.

(c) For each day the violation is not corrected, the violator will be guilty of a new and separate offense and subject to additional civil penalties.

(d) If the violator fails to pay this penalty within ten (10) days after being cited for violation, the penalty may be recovered by the city in a civil action in the nature of debt.

(e) In addition to or in lieu of the penalty, the administrator may seek a mandatory injunction seeking enforcement of this chapter.

Attachment

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(f) If the same violation occurs within a five-year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to an additional civil penalty as set forth in this section.

(g) The city may seek to enforce this chapter by using any one (1) or any combination of the foregoing remedies. The issuance of a civil citation shall not preclude the issuance of a criminal summons or arrest warrant where deemed appropriate.

Adopted by the Jacksonville City Council in regular session this 5th day of January 2016.

Sammy Phillips, Mayor

Carmen K. Miracle, City Clerk



Request for City Council Action

**Consent
Agenda
Item:** 2
Date: 1/5/2016

Subject: Annexation of Lands Owned by the Municipality – Land Donated to City of Jacksonville from Ken Whichard– 2.43-Acres
Department: City Clerk's Office
Presented by: Carmen K. Miracle, City Clerk
Presentation: No

Issue Statement

This is a voluntary annexation process for City owned property that is contiguous to the City limits.

The property is two tracts totaling 2.43-acres located at the corner of Western Boulevard and Gateway North adjacent to the City's property at the Commons. Council accepted the donation of the two tracts at their September 8, 2015 Council meeting with no conditions or obligations associated with the donation. The property is currently located in the City's extra territorial jurisdiction. At the time the property was donated, it was not located inside the City limits.

A petition for annexation is not required for municipally owned property; therefore, the first step in the Voluntary Annexation process for property owned by the municipality is to adopt a Resolution of Intent and schedule a Public Hearing.

Financial Impact

There are no development plans for the property at this time and there are no financial impacts associated with this annexation.

Action Needed

Consider Resolution of Intent

Recommendation

Staff recommends that Council adopt the Resolution as presented

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Resolution
- B Location Map



Staff Report

Consent
Agenda
Item:

2

Municipal Property Annexation 2.43-Acres

Introduction

The area proposed for annexation is located within the City's Extended Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

The property was accepted for donation by the city Council on September 8, 2015 with no restrictions on the use of the property.

Procedural History

- September 8, 2015 – Council approved acceptance of the donated property.
- January 5, 2016 – Council will consider a Resolution of Intent to annex the property and to schedule a Public Hearing for the January 19, 2016 meeting.
- January 19, 2016 – If the Resolution of Intent is approved, Council will conduct a Public Hearing on this date to consider the Annexation Ordinance.
- January 19, 2016 – Proposed effective date of Annexation Ordinance.

Stakeholders

City of Jacksonville
City Residents

Options

Adopt Resolution of Intent and Schedule Public Hearing – **RECOMMENDED.**

- Pros: The site is contiguous to the current corporate limits and is owned by the City. The annexation of 2.43 acres increases the size of the total corporate limits which in turn increases the total allowable area within our 10% limitation on satellite annexations. In addition, annexation of this specific property will create a larger footprint for potential development of the City's land in the Commons.
- Cons: None

Deny Resolution of Intent

- Pros – None
- Cons: This action would conflict with past actions associated with annexation of contiguous property owned by the City.

Defer Consideration of the Annexation Petition – Should Council desire additional information related to this annexation, defer the request and provide direction to staff on the specific information Council would like to receive.

RESOLUTION (2016-)

RESOLUTION STATING THE INTENT OF THE CITY OF JACKSONVILLE TO ANNEX
PROPERTY OWNED BY THE CITY THAT IS CONTIGUOUS TO THE EXISTING
MUNICIPAL BOUNDARIES PURSUANT TO G. S. 160A-31(g)

CITY OF JACKSONVILLE PROPERTY
DONATED PROPERTY (WHICHARD) WESTERN BLVD AND GATEWAY NORTH
2. 43 ACRES

BE IT RESOLVED by the City Council of the City of Jacksonville that:

Section 1: It is the intent of the City Council, pursuant to G. S. 160A-31 to annex the property described in Section 2, which is owned by the City of Jacksonville;

Section 2: The legal description of the property is as follows:

**2.43 ACRES/105,803.38 SQUARE FEET
JACKSONVILLE TWP., ONSLOW COUNTY, NORTH CAROLINA**

BEGINNING at a point located where the Northeastern right of way of N.C. Highway 53 (formerly NCSR 1470 – commonly known as Western Boulevard – 200 foot right of way) intersects the Northwestern right of way of Gateway North (60 foot right of way); thence from the described beginning and running along the said Northeastern right of way of N.C. Highway 53 North 38 degrees 57 minutes 41 seconds West 440.82 feet to a point; thence leaving the said right of way and running North 51 degrees 02 minutes 19 seconds East 240.00 feet to a point; thence South 38 degrees 57 minutes 41 seconds East 440.87 feet to a point located along the aforementioned Northwestern right of way of Gateway North; thence along the said right of way South 51 degrees 02 minutes 58 degrees West 240.00 feet to the point an place of beginning. Containing 2.43 acres/105,803.38 square feet and being a point of the property described in Deed Book 858 Page 138 and a portion of Deed Book 1114 Page 268 of the Onslow County Registry.

Section 3. The property described in section 2 is contiguous to the municipal boundaries.

Section 4. A public hearing on the question of annexation of the of the area described herein will be held at the Jacksonville City Hall at 7 o'clock p.m. or as soon thereafter as the matter may be heard on the 19th day of January 2016.

Section 5. Notice of said public hearing shall be published in the Daily News, a newspaper having general circulation in the City of Jacksonville, at least ten (10) days prior to the date of said public hearing.

Adopted by the Jacksonville City Council in regular session this 5th day of January, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

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Annexation Of Lands By Municipality, Land Donated By I



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.

